

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Paul Donahue,

Plaintiff,

v.

Metropolitan Life Insurance Company,

Defendant.

24-CV-5196 (DEH)

MEMORANDUM ORDER

DALE E. HO, United States District Judge:

On February 18, 2025, the Court referred this case to Magistrate Judge Cave for a Report & Recommendation on Defendant's Motion to Dismiss, ECF No. 26. *See* Am. Order of Reference, ECF No. 33. On March 5, 2025, Magistrate Judge Cave recommended that Defendant's Motion to Dismiss be granted in part and that Plaintiff be denied leave to amend his Complaint. *See* Report & Recommendation, ECF No. 34. For the reasons stated below, Magistrate Judge Cave's Report & Recommendation is ADOPTED IN FULL.

In reviewing a Report and Recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). A district court "must determine *de novo* any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3). But where, as here, no objection has been made, the court can adopt the report and recommendation in full "as long as there is no clear error on the face of the record." *Sacks v. Gandhi Eng'g, Inc.*, 999 F. Supp. 2d 629, 632 (S.D.N.Y. 2014) (citing *Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)).

Magistrate Judge Cave's Report & Recommendation advised the parties that, under federal statute and the Federal Rules of Civil Procedure, they had fourteen days from service of the Report

& Recommendation to file written objections. *See* Report and Recommendation at 22. Magistrate Judge Cave further cautioned the parties that “failure to object within fourteen (14) days w[ould] result in a waiver of objection and w[ould] preclude appellate review.” *Id.* (emphasis omitted). No objection has been filed as of the date of this Order, and neither party has requested an extension of time for filing any objection, either. Therefore, the parties have waived any right to object to Magistrate Judge Cave’s Report & Recommendation or to obtain appellate review.

Even absent any objection, the Court has reviewed Magistrate Judge Cave’s Report & Recommendation. The Court finds the Report & Recommendation to be well reasoned and grounded in fact and law; the Report & Recommendation contains no clear error on the face of the record. It is, accordingly, adopted in its entirety.

This case remains referred to Magistrate Judge Cave for general pretrial management of Plaintiff’s remaining claims. The Clerk of Court is respectfully directed to terminate ECF No. 26.

SO ORDERED.

Dated: April 22, 2025
New York, New York



DALE E. HO
United States District Judge